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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,617	02/19/2004	Gerardus J. Brouwer	8494-20	3165

7590 04/07/2006

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EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT PAPER NUMBER

3641

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/780,617	BROUWER ET AL.	
	Examiner	Art Unit	
	Christopher J. Novosad	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>111204</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 2, 4-6 and 13-24 have been canceled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, lines 2 and 3, the recitation “said actuating means” lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendriks et al.

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With respect to claim 1, Hendriks et al. show in combination, a sod roll (unnumbered; Fig. 12) and a mechanism (Fig. 12) for picking up the sod roll (unnumbered; Fig. 12) and comprising a hook 76 having a pointed tip (unnumbered), a mounting mechanism (unnumbered; Fig. 12) for mounting the hook 76 above the sod roll (unnumbered; Fig. 12), an actuating mechanism 78,80,82,84,86,88 (Fig. 11) to rotate the hook 76 for the tips (unnumbered) to pierce the sod roll (unnumbered; Fig. 12) and to support the sod roll (unnumbered; Fig. 12), and a moving mechanism 50,42,118,40,114,116,112 (Fig. 15) for moving the hook 76 with the sod roll (unnumbered; Fig. 12) supported thereby to a location for releasing the sod roll (unnumbered; fig. 12) onto a support.

As to claim 10, the combination includes at least two hooks 76 to support the sod roll (unnumbered; Fig. 12).

Regarding claim 11, the actuating mechanism 78,80,82,84,86,88 (Fig. 11) moves the two hooks 78 for the sod roll (unnumbered; Fig. 12) in opposite directions so that the hooks 78 close in a pincers movement.

With respect to claim 12, a plurality of hooks 78 are mounted on a shaft 82 and the actuating means 78,80,82,84,86,88 (Fig. 11) is adapted to rotate the shaft 82.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedley et al. in view of Hendriks et al.

With respect to claim 1, Hedley et al. show in combination, a sod piece *S* and a mechanism (best shown in Figs. 8 and 15) for picking up the sod piece *S* and comprising a hook 81 having a pointed tip (unnumbered), a mounting mechanism 80 for mounting the hook 81 above the sod piece *S*, an actuating mechanism 82-84,86 to rotate the hook 81 for the tips (unnumbered) to pierce the sod piece *S* and to support the sod piece *S*, and a moving mechanism 98,93 for moving the hook 81 with the sod piece *S* supported thereby to a location for releasing the sod piece *S* onto a support *P* (Fig. 15).

As to claim 3, note a screen 80 below the hook 81, the screen 80 having openings 85 therein and the tips (unnumbered) of the hook 81 being sized to penetrate through the openings 85 for the hooks 81 to pin the sod piece *S* to the screen 80, and for the screen 80 to resist movement of the sod piece *S* while the hook 81 is being withdrawn from the sod piece *S* through the screen 80.

Regarding claim 7, there is a plurality of the pieces *S* and the pieces *S* are positioned end-to-end (Fig. 8) to form a line of pieces *S*.

With respect to claim 8, a plurality of the lines of pieces *S* are positioned side-by-side (Fig. 8).

As to claim 10, the combination includes at least two hooks 81 to support the sod roll piece *S*.

Regarding claim 11, the actuating mechanism 82-84,86 moves the two hooks 81 for the sod piece *S* in opposite directions so that the hooks 81 close in a pincers movement.

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With respect to claim 12, a plurality of hooks 81 (Fig. 14) are mounted on a shaft 86 (Fig. 14) and the actuating means is adapted to rotate the shaft 86.

The claims distinguish over Hedley et al. in requiring (1) the sod pieces to be sod rolls (as required in claims 1, 3 and 7-11) and (2) there to be only one hook to support the sod roll (as required in claim 9).

With respect to (1), Hendriks et al. show the use of a sod roll (unnumbered, Fig. 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the sod roll of Hendricks et al. in place of the sod piece *S* of Hedley et al. for greater versatility.

As to (2), it is considered that if the sod roll of Hendriks et al. replaces the sod piece *S* of Hedley et al. (as noted above), and if the sod roll were of a small size (for ease of transport and handling), then there would be only one hook to support the sod roll.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a small sod roll in place of the sod piece *S* of Hedley et al. so that only one hook would be needed to support the sod roll for greater versatility and for ease in handling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached at 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad
Primary Examiner
Art Unit 3641

April 3, 2006